

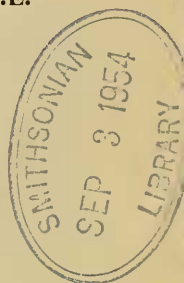
OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 268

Acceptance of the generic name *Aspidoproctus*
(Class Insecta, Order Hemiptera) as from Newstead, 1901

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 268

ACCEPTANCE OF THE GENERIC NAME "ASPIDO- PROCTUS" (CLASS INSECTA, ORDER HEMIPTERA) AS FROM NEWSTEAD, 1901

RULING :—(1) The generic name *Aspidoproctus* Newstead, 1901 (Class Insecta, Order Hemiptera), is available as from the date in April 1901 on which it was published and accordingly has priority over the name *Lophococcus* Cockerell [August], 1901.

(2) *Walkeriana pertinax* Newstead, 1901, is the type species of the genus *Aspidoproctus* Newstead, 1901, by monotypy, that being the sole species at that time cited in connection with this generic name.

(3) The generic name *Aspidoproctus* Newstead, 1901 (gender of generic name : masculine), with the above species as type species is hereby placed on the *Official List of Generic Names in Zoology* as Name No. 684.

(4) The specific name *pertinax* Newstead, 1901, as published in the combination *Walkeriana pertinax* is hereby placed on the *Official List of Specific Names in Zoology* as Name No. 84.

I.—THE STATEMENT OF THE CASE

On 18th February 1931 Professor T. D. A. Cockerell (*University of Colorado, Boulder, Colorado, U.S.A.*) submitted to the International Commission the following application for a ruling on the status of the generic name *Aspidoproctus* Newstead, 1901 (Class Insecta, Order Hemiptera) :—

On the status of the name “Aspidoproctus” Newstead, 1901 (Class Insecta, Order Hemiptera)

By T. D. A. COCKERELL
(*University of Colorado, Boulder, Colorado, U.S.A.*)

In 1901, Newstead [April 1901], *Proc. zool. Soc. Lond.* **1900** (4) : 948 described a species of COCCIDAE, of which he said that he had intended to place it in a new genus *Aspidoproctus*, but that he had decided that this was unnecessary. He therefore called the insect *Walkeriana pertinax* Newstead [1901], *ibid.* **1900** (4) : 947 pl. 59.

Later (1901, *Entomologist* **34** : 227), the name *Lophococcus* Cockerell was proposed for a different species (*Lophococcus mirabilis* Cockerell, 1901, *ibid.* **34** : 248), which is now considered congeneric with *Walkeriana pertinax* Newstead [1901].

Still later, authors have resurrected the name *Aspidoproctus* Newstead, and this is now used as the generic name for the species in question (see Morrison, (H.), 1928, *Tech. Bull. U.S. Dep. Agric.* **52** : 151).

My idea has been to accept the first published name, but there is confusion as to the meaning of the Code in this matter and this confusion should be cleared up by the International Commission.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. In May 1938 the papers relating to the present application were transferred by Dr. C. W. Stiles to the care of Mr. Francis Hemming, who in 1936 had been elected Secretary to the International Commission. On receipt, these documents were given the Registered Number Z.N.(S.) 46. It had not been found possible to advance the consideration of this case by the time that the outbreak of war in Europe in September 1939 led to the evacuation of the records of the International Commission from London to the country as a precaution against the risk of destruction through air raids. The Secretariat in London was re-opened in 1942 and steps were immediately taken to establish the *Bulletin of Zoological Nomenclature* as a means for drawing the attention of zoologists to applications submitted to the International Commission for decision. Work was at once started on outstanding applications with a view to arranging for their publication in the newly established *Bulletin*. The present application was sent to the printer in September 1944, but, owing to difficulties arising from paper rationing, shortage of labour at the printing works and similar causes, publication did not actually take place until 26th June 1946 (Cockerell, 1946, *Bull. zool. Nomencl.* 1 : 171).

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

3. The present application was considered by the International Commission on Zoological Nomenclature at the Thirteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 1730 hours. The following is an extract from the Official Record of the Proceedings of the International Commission, setting out the decision reached by it in this case at the foregoing

meeting (Paris Session, 13th Meeting, Conclusion 25) (1950, *Bull. zool. Nomencl.* 4 : 381—382) :—

THE COMMISSION agreed :—

- (1) that, in accordance with the ruling given in *Opinion* 4¹ and now to be embodied in the *Règles*, the generic name *Aspidoproctus* published by Newstead in April 1901, as a rejected manuscript name was available under Article 25 as from the date of being so published and accordingly had priority over the name *Lophococcus* Cockerell [August], 1901 ;
- (2) that *Walkeriana pertinax* Newstead, 1901, was the type species of the genus *Aspidoproctus* Newstead, 1901, by monotypy, that being the sole species at that time cited in connection with this generic name ;
- (3) to place :—
 - (a) the generic name *Aspidoproctus* Newstead [April], 1901 (Class Insecta, Order Hemiptera), with the above species as its type species, on the *Official List of Generic Names in Zoology* ;
 - (b) the trivial name *pertinax* Newstead, 1901 (as published in the binominal combination *Walkeriana pertinax*), on the *Official List of Specific Trivial Names in Zoology* ;
- (4) to render an *Opinion* recording the decisions specified in (1) to (3) above.

4. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth

¹ See paragraph 7 below.

International Congress of Zoology, Paris, 1948, at its Fifth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 106).

5. The decision set out in paragraph 3 above was concurred in by the sixteen (16) Commissioners and Alternate Commissioners present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

6. The foregoing decision was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

7. At its meeting held at Copenhagen in August 1953 the Fourteenth International Congress of Zoology revoked the decision taken by the Thirteenth International Congress of Zoology, Paris, 1948, to incorporate into the *Règles* the provision previously laid down in the Commission's *Opinion* 4 and decided to substitute therefor a provision under which (1) as from a future date to be specified in the revised *Règles*, no name published in a synonymy without an independent indication can acquire availability in virtue of being so published, (2) names originally so published, if generally accepted before the coming into force of the foregoing provision, are to be accepted, and (3) where there is a difference of opinion among the specialists as to whether a given name is generally accepted for the purposes of (2) above, the case is to be referred to the International Commission for decision (1953, *Copenhagen Decisions zool. Nomencl.* : 63—64). Since the foregoing provision is not (as explained above) to become operative until some date subsequent to the coming into force of the revised text of the *Règles*, it could not in any circumstances have an adverse effect upon the decision taken by the Commission

in the present case over five years ago. Nevertheless, when in the autumn of 1953, the Secretary to the Commission had an opportunity to start the preparation of *Opinions* recording the decisions taken by the Commission at Paris in 1948 and published two years later in the Official Record of the Proceedings of the Commission during its Paris Session (1950, *Bull. zool. Nomencl.* 4), it appeared to him that it would be inappropriate to include in the Ruling given in the present *Opinion* a specific reference to the provision incorporated in the *Règles* from *Opinion* 4 by the Paris Congress, having regard to the action taken in respect of that provision by the Copenhagen Congress. Mr. Hemming took the view that it was desirable to obtain the directions of the Commission on the question of the wording to be adopted in the Ruling embodying the decision taken by the Commission in regard to this case, before the requisite formal *Opinion* was prepared. Accordingly, on 19th November 1953, Mr. Hemming submitted the following memorandum to the Commission :—

**Wording of the decision regarding the name “*Aspidoproctus*” Newstead,
1901**

By FRANCIS HEMMING
Secretary to the International Commission

During the last few weeks, while waiting for the proofs of the Copenhagen Report, I have started to prepare the *Opinions* required to give effect to the decisions taken in Paris in 1948, a task long overdue. In one case I have encountered a problem of drafting on which I wish to consult the Commission. The case is that of *Aspidoproctus* Newstead, 1901, dealt with on pp. 381—382 of vol. 4 of the *Bulletin of Zoological Nomenclature*.

2. In its decision on this case the Commission stated that it relied upon the ruling given in *Opinion* 4. Normally, this statement would be included in the Ruling given at the head of the *Opinion*. But the Copenhagen Congress decided that, as from a future date not yet specified, the ruling in *Opinion* 4 is to be withdrawn and that thereafter it will not be permissible to bring into use a name originally published in a synonymy. The ruling given in Paris in this case was well based

then and is well based now, but, in view of the Copenhagen decision, it would, I feel, be likely to cause misunderstanding if an *Opinion* published now were to contain a prominent reference to *Opinion* 4, more especially as it is not necessary for any such reference to be made. I have accordingly prepared a revised draft of the wording to be used to give effect to the decision on *Aspidoproctus*, which omits all mention of *Opinion* 4. This draft is given at the head of the annexed Voting Paper and is now submitted for the consideration of the Commission.

8. *Issue of Voting Paper V.P. (53)7* : Simultaneously with the submission to the Members of the Commission of the memorandum reproduced in the immediately preceding paragraph, Mr. Hemming issued on 19th November 1953 a Voting Paper (V.P. (53)7) in which the Members of the Commission were invited to vote for or against the following "revision of the wording of the Paris decision in regard to the name *Aspidoproctus*" :—

Text of suggested revised wording of Ruling to be given in the present case

(1) The generic name *Aspidoproctus* Newstead (Class Insecta, Order Hemiptera) is available as from the date in April 1901, on which it was published, and accordingly has priority over the name *Lophococcus* Cockerell [August], 1901.

(2) *Walkeriana pertinax* Newstead, 1901, is the type species of the genus *Aspidoproctus* Newstead, 1901, by monotypy, that being the sole species at that time cited in connection with this generic name.

(3) The generic name *Aspidoproctus* Newstead, 1901 (gender of generic name : masculine), with the above species as type species, is hereby placed on the *Official List of Generic Names in Zoology*.

(4) The specific name *pertinax* Newstead, 1901, as published in the combination *Walkeriana pertinax*, is hereby placed on the *Official List of Specific Names in Zoology*.

9. *The prescribed Voting Period* : As the foregoing Voting Paper was issued under the One-Month Rule, the prescribed Voting Period closed on 19th December 1953.

10. *Particulars of the Voting on Voting Paper V.P. (53)7* : The state of the voting on Voting Paper V.P. (53)7 at the close of the prescribed Voting Period was as follows :—

(a) *Affirmative Votes had been given by the following eighteen (18) Commissioners¹ (arranged in the order in which Votes were received)* :

Lemche ; Riley ; Holthuis ; Sylvester-Bradley ;
Hering ; Bradley (J.C.) ; Bonnet ; Dymond ; Esaki ;
Mertens ; Vokes ; Pearson ; Boschma ; Jaczewski ;
Hemming ; do Amaral ; Hankó ; Cabrera ;

(b) *Negative Votes* :

None ;

(c) *Voting Paper V.P. (53)7 was not returned by one (1) Commissioner* :

Stoll.

11. *Declaration of Result of Vote* : On 7th January 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P. (53)7, signed a Certificate that the Votes cast were as set out in paragraph

¹ The following Commissioners who took part in the vote on Voting Paper V.P. (53)7 were not members of the Commission at the time when the question dealt with in the present *Opinion* was decided by the Commission in Paris in 1948 :—

Professor Pierre Bonnet (*Université de Toulouse, France*)

Professor Teiso Esaki (*Kyushu University, Fukuoka, Japan*)

Professor Erich Martin Hering (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*)

Dr. L. B. Holthuis (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*)

Professor Tadeusz Jaczewski (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*)

Dr. Henning Lemche (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (an Alternate Commissioner at the Paris Session)

Professor Robert Mertens (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*)

Mr. Norman Denbigh Riley (*British Museum (Natural History), London*) (an Alternative Commissioner at the Paris Session)

Mr. P. C. Sylvester-Bradley (*Sheffield University, Sheffield, England*)

10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. On 8th January 1954, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of the Ruling were in complete accord with those of the proposal approved by the International Commission at its Session in Paris in 1948 as re-worded in its Vote on Voting Paper V.P. (53)7.

13. The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Aspidoproctus Newstead [April], 1901, *Proc. zool. Soc. Lond.* 1900 (4) : 948
pertinax, *Walkeriana*, Newstead [April], 1901, *Proc. zool. Soc. Lond.* 1900 (4) : 947, pl. 59

14. The gender of the generic name *Aspidoproctus* Newstead, 1901, referred to in the decision quoted in paragraph 3, is masculine.

15. It must be noted at this point that at its meeting held at Copenhagen in August 1953 the Fourteenth International Congress of Zoology decided to substitute the expression "specific name" for the expression "trivial name" adopted by the Thirteenth International Congress of Zoology, Paris, 1948, as the expression to be used for the second portion of the binomen which constitutes the scientific name of a species. At the same time the Copenhagen Congress made a corresponding change in the title of the *Official List* till then styled the *Official List of Specific Trivial Names in Zoology*. It is for this reason that this revised terminology was employed in the draft of the revised Ruling in the present case quoted in paragraph 8 above.

16. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing

with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

17. The present *Opinion* shall be known as *Opinion* Two Hundred and Sixty-Eight (268) of the International Commission on Zoological Nomenclature.

DONE in London, this Eighth day of January, Nineteen Hundred and Fifty-Four.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING

NOTICE TO SUBSCRIBERS

The present volume (Volume 5) will be complete on the publication of Part 30 containing the indexes, title page, etc. This concluding Part is now in the press and will, it is hoped, be published at an early date.